

Community Renewable Energy Agency Board Meeting Agenda

Public Notice is hereby given that the Community Renewable Energy Agency Board will assemble in a public meeting on December 5, 2022, at the Millcreek City Hall located at 3330 South 1300 East Millcreek UT, commencing at 1:00 p.m. The Board will convene in an electronic meeting. Board members may participate from remote locations. Board members will be connected to the electronic meeting by GoToMeeting, Zoom or telephonic communications. The anchor location will be Millcreek City Hall. Members of the public who are not physically present at the anchor location may attend the meeting remotely by electronic means at <https://global.gotomeeting.com/join/890138285>.

REGULAR MEETING of the Board:

1. Welcome, Introduction and Preliminary Matters

- 1.1 Purpose and overview of meeting
- 1.2 Current participation percentages included in Board packet
- 1.3 Reminder that January Board meeting will be held on January 9th
- 1.4 Reminder to work with Secretary Emily Quinton on any changes in Board member appointments

2. Business Matters

- 2.1 Approval of November 7, 2022 Board Meeting Minutes
- 2.2 Treasurer Report (year-to-date contributions and expenses)
- 2.3 Reports from committees (Communications, Program Design, Low-Income Plan)
- 2.4 Public Comments

Audience members may bring any item to the Board's attention. Comments are subject to the Public Comment Policy and Procedure set forth below.

- 2.5 Attorney update on draft model ordinance
- 2.6 Discussion and consideration of Resolution 22-11 Resolution of the Board Approving Enhanced Monthly Bill Credit as a Programmatic Approach to Low-Income Assistance
- 2.7 Discussion and consideration of Resolution 22-12 Resolution of the Board Approving Termination Fee Waiver as a Programmatic Approach to Low-Income Assistance
- 2.8 Discussion and consideration of Resolution 22-13 Resolution of the Board Approving a Request to Facilitate Elective Donations as a Programmatic Approach to Low-Income Assistance
- 2.9 Discussion and consideration of Resolution 22-14 Resolution of the Board Approving an Automatic Opt-Out as a Programmatic Approach to Low-Income Assistance
- 2.10 Board member comments
- 2.11 Closed Session (if needed): the Board may convene in a closed session to discuss items as provided by Utah Code Ann. §52-4-205

3. Adjournment

In accordance with the Americans with Disabilities Act, the Board will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting Kurt Hansen, 801-214-2751, at least 48 hours in advance of the meeting.

Public Comment Policy and Procedure: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the Board may be asked to complete a written comment form and present it to the Millcreek City Recorder. In general, the Chair will allow an individual two minutes to address the Board. At the conclusion of the citizen comment time, the Chair may direct staff or Board members to assist the citizen on the issue presented; direct the citizen to the proper entity; or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The Chair may place the item on the agenda under citizen comments; direct staff or Board members to assist the citizen; direct the citizen to the entity; or take no action.

THE UNDERSIGNED HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS EMAILED OR POSTED TO:

Millcreek City Hall

Utah Public Notice Website
<http://pmn.utah.gov>

DATE: 12/1/22

Emily Quinton

Alex Wendt

Note agenda items may be moved in order, sequence, and time to meet the needs of the Board.

This meeting will be live streamed via <https://millcreek.us/373/Meeting-Live-Stream>.

Participation Percentages

								Weighted Votes Occuring After July 31, 2022						
								Aggregate Total of Actual Phase 1 Initial, Phase 1 Anchor, and Phase 2 Initial Payments	Phase 2 Anchor Proportionate Shares, based on Max Anchor Payments	Phase 2 Remaining Balance Distributed Proportionally Among Anchors (Phase 2 Anchor Payment)	Total Phase 1 and 2 Payment Obligations as of Meeting Date Above	Participation Percentage for Weighted Votes After July 31 2022	Yes vote on Resolution XX-XX Weighted Vote?	Total Yes Percentage on Resolution XX-XX
1	7/1/2021		Grand County	2,109.37	3,110.81	2,109.37	3,110.81	\$ 6,364.78	1.49%	\$ 1,692.07	\$ 8,056.85	1.15%		0.00%
2	10/1/2021		Salt Lake County	11,570.26		11,570.26		\$ 23,140.52	0.00%	\$ -	\$ 23,140.52	3.31%		0.00%
3	7/1/2021		Summit County	10,759.97	15,868.33	10,759.97	15,868.33	\$ 32,466.94	7.61%	\$ 8,631.28	\$ 41,098.22	5.87%		0.00%
4	7/1/2021		Town of Alta	218.93		218.93		\$ 437.86	0.00%	\$ -	\$ 437.86	0.06%		0.00%
5			Bluffdale City	11,088.57		11,088.57		\$ -	0.00%	\$ -	\$ -	0.00%		0.00%
6	7/1/2021		Town of Castle Valley	106.74	157.42	106.74	157.42	\$ 322.08	0.08%	\$ 85.63	\$ 407.71	0.06%		0.00%
7	4/28/2022		Coalville City	562.99		562.99		\$ 1,125.98	0.00%	\$ -	\$ 1,125.98	0.16%		0.00%
8	7/1/2021		Cottonwood Heights	10,942.10		10,942.10		\$ 21,884.20	0.00%	\$ -	\$ 21,884.20	3.13%		0.00%
9	6/13/2022		Emigration Canyon Township	456.22		456.22		\$ 912.44	0.00%	\$ -	\$ 912.44	0.13%		0.00%
10	8/3/2021		Francis City	421.54		421.54		\$ 843.08	0.00%	\$ -	\$ 843.08	0.12%		0.00%
11	7/1/2021		City of Holladay	9,387.72		9,387.72		\$ 18,775.44	0.00%	\$ -	\$ 18,775.44	2.68%		0.00%
12			Kamas City	743.49		743.49		\$ -	0.00%	\$ -	\$ -	0.00%		0.00%
13	7/13/2021		Kearns	9,606.01		9,606.01		\$ 19,212.02	0.00%	\$ -	\$ 19,212.02	2.74%		0.00%
14	7/1/2021		Moab City	2,237.95	3,300.43	2,237.95	3,300.43	\$ 6,752.75	1.58%	\$ 1,795.21	\$ 8,547.96	1.22%		0.00%
15	7/1/2021		Millcreek	18,421.40	27,167.05	18,421.40	27,167.05	\$ 55,584.39	13.03%	\$ 14,777.00	\$ 70,361.39	10.05%		0.00%
16	4/28/2022		Oakley City	520		520		\$ 1,040.00	0.00%	\$ -	\$ 1,040.00	0.15%		0.00%
17	7/28/2021		Ogden City	35,737.26		35,737.26		\$ 71,474.52	0.00%	\$ -	\$ 71,474.52	10.21%		0.00%
18			City of Orem	31,019.52		31,019.52		\$ -	0.00%	\$ -	\$ -	0.00%		0.00%
19	7/13/2021		Park City	6,742.38	9,943.35	6,742.38	9,943.35	\$ 20,344.33	4.77%	\$ 5,408.50	\$ 25,752.83	3.68%		0.00%
20	7/1/2021		Salt Lake City	101,050.33	149,024.48	101,050.33	149,024.48	\$ 304,907.42	71.45%	\$ 81,059.05	\$ 385,966.47	55.14%		0.00%
21	7/1/2021		Town of Springdale	481.26		481.26		\$ 962.52	0.00%	\$ -	\$ 962.52	0.14%		0.00%
22			West Jordan City	37,916.77		37,916.77		\$ -	0.00%	\$ -	\$ -	0.00%		0.00%
23			West Valley City	47,899.22		47,899.22		\$ -	0.00%	\$ -	\$ -	0.00%		0.00%
	7/1/2021			350,000.00	208,571.87	350,000.00	208,571.87	586,551.27	100.00%	113,448.73	\$ 700,000.00	100%		0.00%

Community Renewable Energy Agency Board Meeting Minutes

The Community Renewable Energy Agency Board met in a regular public meeting on **Monday, November 7, 2022**, at Millcreek City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106 and participated electronically via GoToMeeting.

PRESENT:

Board Members

In person

Dan Dugan, Chair, *Salt Lake City*
Glenn Wright, *Summit County*
Drew Quinn, *Holladay City*
Samantha DeSeelhorst, *Cottonwood Heights*
Jeff Silvestrini, *Millcreek*
Emily Quinton, *Summit County*

Electronic

Christopher Thomas, *Salt Lake City*
Randy Aton, *Springdale*
Roger Bourke, *Alta*
Suzanne Elger, *Springdale*
Holly Smith, *Holladay City*
Sarah Stock, *Grand County*
Joe Frazier, *Oakley City*
Pamela Gibson, *Castle Valley*
Chris Cawley, *Alta*
Luke Cartin, *Park City*
Kalen Jones, *Moab*
Angela Choberka, *Ogden*
Jeremy Rubell, *Park City*
Alexi Lamm, *Moab*
Patrick Schaeffer, *Kearns*
David Brems, *Emigration Canyon Township*

In Person Attendees: Kurt Hansen, *Millcreek*; Alex Wendt, *Millcreek*; Ian Harris, *Cottonwood Heights*; Chip Spencer, *Millcreek resident*

Electronic Attendees: Jeremy Shinoda, *Ogden resident*; Lisa Yoder, *working with Park City and Summit County*; Sam Owen, *Salt Lake City Staff*; Artie Powell, *Division of Public Utilities*; Monica O'Malley, *Salt Lake City staff*; Zack Darby, *Summit County staff*; Janene Eller-Smith, *Ogden Staff*; Sarah Montoya, *Salt Lake City staff*; Mike Johnson

Minutes by Alex Wendt, Millcreek Deputy Recorder.

REGULAR MEETING – 1:00 p.m.

TIME COMMENCED: 1:00 p.m.

1. Welcome, Introduction, and Preliminary Matters

1.1 Purpose and Overview of Meeting

1.2 Current Participation Percentages included in Board Packet

1.3 Reminder that January Board Meeting will be held on January 9, 2023.

2. Business Matters

2.1 Approval of October 3, 2022, Board Meeting Minutes

Board Member Wright moved to approve the October 3, 2022, Board Meeting Minutes. Board Member Quinn seconded. Chair Dugan called for the vote. All Board Members voted yes. The motion passed unanimously.

2.2 Treasurer Report (Year-to-Date Contributions and Expenses)

Chair Dugan said that Board Member Silvestrini could not make it to the meeting.

2.3 Reports From Committees (Program Design, Low-Income Plan, Communications)

Board Member Thomas gave the update from the Program Design Committee. The committee met five times in October and had one meeting with Rocky Mountain Power to discuss the resource solicitation process. They proposed having more frequent, small group meetings involving technical and legal team members to try and reach agreement on two specific topics: resource valuation and financial backstop. Their next step is to hold a meeting with RMP, the Division of Public Utilities and the Office of Consumer Services on November 8th. They want to discuss the approach to financial backstop, periodic rate adjustments, approaches to low-income assistance. They also plan to ask The Division of Public Utilities (DPU) and The Office of Consumer Services (OCS) have hired consultants paid for by the Agency, not to exceed \$200,000. They had hoped to bring many program application items to the Board for a vote in December but now they will not be able to. The Program Design Committee is drafting proposals that address required items for the Program Application. The name and boundary map for each eligible community has been drafted and RMP is reviewing the draft. The Utility Agreement has also been drafted and an initial draft is shared with RMP. Plans for Low Income Assistance will be heard by the Board soon. Hopefully the Board will vote on this in December.

The Agency's approved budget is \$700,000. This budget was designed to accommodate the maximum expected costs associated with three types of expenses. These are the Agency's outside counsel and energy analytical consultant, consultants hired by state regulators that communities are required to pay for, and the Rocky Mountain Power program application development and filing costs. They recently discovered and confirmed from RMP that costs associated with the RMP application are program expenses to be recovered through participating customer bills. Therefore, with Board approval, funds could be available for other types of expenses without exceeding the \$700,000 approved budget. Will any unspent funds be returned to participating communities? In general, the governance agreement does not allow refunds. Parties acknowledge and agree that any amount previously paid or committed to by any party

will not be refunded in whole or in part. However, refunds will be made if the governance agreement is terminated. If there are any unspent funds, the Board decides how to spend them in connection with the Program. One required element of the Program Application is maps depicting the geographic boundaries of each eligible community. Please review your community map and let Monica O'Malley, Salt Lake City Staff, know whether you have any concerns or feedback about your boundary map.

The Low-Income Plan Committee have created programmatic approaches to Low-Income Assistance. There are 3 options that have high, medium, and low impacts to customer bills. The high impact case assumes that the number of assisted customers doubles, and if 80% of those people take part in the program, and if 50% lower than expected customers are assisting then the increase in bill charges will be 57 cents to assisting customers. In the low impact case, the low-income program cost would be \$3 and the bill charge to assisting customers would go down to 2 cents.

What is the goal of the Program? The goals include acquiring renewable energy to match 100% of annual consumption by 2030. This is also called net 100% renewable electricity. Using renewable energy reduces air pollution from coal and gas plants. Should renewable energy serving all RMP customers count toward the goal? Pros include we are already paying for it, this lowers the cost program, avoids trying to replace their renewables with our renewables. Considerations include they must meet renewable definition. Must currently serve the RMP system. Must be legally documented via bundled Renewable Energy Certificates. They can count does not mean they must count. What share of Rocky Mountain Power generation can we expect to come from renewables in 2030? They expect 58% of power generation to come from renewable energy. How big do we expect the Program to be? In 2021 the 18 eligible communities consumed 6.3 million mw-hours of electricity. We expect 80% of the residential load, 30% of the commercial load, and 5% of the industrial load to participate. Under these assumptions, the 2021 target would be 2.54 million mw-hours per year. Electrification and energy efficiency could change the Program Size in the year 2030. Trends like electric vehicle adoptions, heating electrification, and population growth increase consumption. Increased appliance efficiency and better building codes decrease consumption. How much renewable energy would the Program seek to acquire based on the 2021 load? They would need to bring online 1.07 million megawatt hours' worth of new program renewables. This is equivalent to 200 mw solar and 166 mw of wind sources. New Program renewable resources could be in Oregon, Wyoming, Utah, and Idaho. Energy that goes to Utah customers comes from all over the West. Renewable energy benefits RMP grid by reducing fuel costs. Using renewable energy avoids running coal and gas plants. Running coal and gas plants less saves fuel. Renewable energy growth and milder winters tends to decrease natural gas prices. Natural gas exports and colder winters tend to increase natural gas price. Over the last ten years the price of natural gas fluctuated a great deal. Should the value assigned to program resources fluctuate up and down based on market prices? If yes, this would tie Program resource value to actual market prices than forward price forecasts. This would require creating an ongoing Program Resource valuation method. It could reduce Program premiums in years when fuel and power prices rise higher than expected. This would contribute to fluctuations in Program billing from year to year. If no, this would set Program resource value according to forward price forecasts (not actual prices). This

valuation approach could approximate the one PacifiCorp already uses to select resources. Actual market prices could be higher or lower than the forecast. It would likely guarantee at least a small enduring cost increase to participate in the Program. It will support a more consistent cost to participate in the Program. How much do we expect it to cost to participate in the Program? For the average residential customer, not more than \$7 per month averaged over the year. If reached, supermajority votes are required to obtain new renewable resources. The amount per month could be lower. It could be \$2-\$5 a month depending on the creation of more renewable energy sources. If renewable energy costs less than coal and gas why would the Program cost more? Program customers required to pay their share of ongoing costs of the rest of the RMP electricity system. Renewable projects that show overall savings are built to serve all customers, not just program customers. As wind and solar increase in the system, each additional project has less value. Can the Program avoid paying for Rocky Mountain Power's coal and gas generation? No, existing coal and gas plant costs are compulsory to the Program per state law. The Program can pay for them faster but cannot avoid them altogether. Should the Program designate "replaced" coal and gas plants to pay off faster than other Utah customers? Pros to yes include this would allow participants to pay their way out of coal and gas plants sooner. Cons include it would increase Program rates in the short-term. It is unclear whether paying faster leads to faster coal/gas retirement off system. Pros to no include it would keep program rates lower in the short-term. It is unclear whether paying faster leads to faster plant retirement. Cons are the Program continues to pay for coal and gas plant costs fast or slow, is not consistent with Program energy goals. How will a program that is optional guarantee resource repayment over 15-25 years? Low costs encourage high participation. Build gradually toward the goal to avoid overshooting. Moderate exit fee to encourage stable participation. Backstop funding, customer prepayments, loan guarantee, and guarantee pool. And finally, insurance product.

Board Member Cawley gave the Communication Committee Update. They had meetings on October 4th and October 17th. Alexi Lamm, Moab City Director of Sustainability joined their group. The Communication Committee is working on a budget for hiring a consultant. They are still working to understand the range of probable costs to complete the desired scope of work. They are working with Millcreek to develop and publish an RFP. The Board will need to approve a contract. They hope to publish the RFP in November, collect responses in December and start contracting in January. They are seeking Board approval for committee to solicit consultants via Resolution 22-10. The Communication Committee has tasks scheduled according to projected program milestones. They plan to have a state-wide press release issued in the first quarter of 2023. During the ordinance adoption phase, they would like to launch social media, and monthly newsletters, as well as developing additional low-income assistance assets. The Communication Committee requests that the Board approve Resolution 22-10. This resolution would update the committee purpose to include authorizing the committee to solicit contractors and consultants. The resolution as drafted defines potential budget as to not exceed approved agency budgets. If Resolution 22-10 passes, the committee will proceed to publish the RFP via Millcreek Staff, interview respondents, negotiate a scope and fee, and request board approval of a contract. Board Member Bourke asked if the OCS and DPU are being kept in the loop

with Board activities. Chair Dugan said yes, they are, and the Board is meeting with them regularly.

Board Member DeSeelhorst gave the report for the Low-Income Plan Committee. The Board has a statutory requirement to make a low-income plan. To support communities regarding this requirement the Low-Income Plan Committee was formed. They created a low-income plan template with programmatic strategies, outreach strategies, and elective strategies. Programmatic strategies are low-income engagement techniques that apply to all communities. Outreach strategies focus on providing enhanced communication about Program details to low-income electricity customers. This communication will be facilitated by providing information on the Program to local organizations who serve households that may be disproportionately affected by changes to their electric bill. Elective strategies are any additional, miscellaneous strategies to low-income engagement that a community may or may not decide to deploy locally. Communities are not required to commit to elective strategies.

The Low-Income Plan Committee has reached full consensus on recommending the following three strategies. Termination fee waiver for participating customers who are enrolled in schedule 3, the termination fee for exiting the program if any will be waived. Enhanced monthly bill credit, for participating customers who are enrolled in schedule 3 an additional monthly bill credit will be applied in an amount proportional to the average customer rate impact, not to exceed \$3.00. \$3 is being used as a placeholder amount. Finally, a Program Donation Facilitation, to facilitate elective donations by participating customers toward the monthly bill credit. The Committee did not reach full consensus on the automatic opt-out approach. Residential customers who are either enrolled in schedule 3 or 60 days in arrears any time before the 60 days leading up to the program implementation date will not be enrolled in the program and will be provided with two mailed opt-in notices. Board Member Quinn asked if the Board is voting to approve all the strategies or one strategy over another? Board member DeSeelhorst said she envisioned voting on each strategy individually. Board member Quinn asked if RMP will support all 3. Board Member DeSeelhorst said RMP knows of the three options and have not indicated that they would not support them. Board Member Bourke said it seems like the Communication Committee has some overlap with the Low-Income Plan Committee. Board Member DeSeelhorst said there is natural overlap there. Board Member Bourke asked if the opt-in option is offered to low-income communities how many people would opt in. Board member DeSeelhorst said they expect 20% to opt-in. Board member Bourke said that you would essentially be asking people if they want their utility bill to go up. Board member DeSeelhorst said the point of this is to protect customers who may be already struggling and still give them the option to opt-in if they wish. These are not binary questions where there is an easy answer. They do not wish any customers to feel stigmatized and still protect households where they may be impacted by increased costs. Lisa Yoder said one thing to keep in mind renewable energy should be equitable to everyone. Chair Dugan asked that the Board do their homework and ask good questions.

2.4 Public Comments

Chip Spencer, Millcreek Resident – How does a person opt out of a program that ends

certain types of energy production? Nuclear energy is one of the best forms of energy. Where will the space for all the solar farms come from? Will the program be able to guarantee the levels of service that already exist. As a citizen of Millcreek, it is not acceptable to me to be put in a brown-out. This is ill-advised in this current state.

2.5 Discussion and Consideration of Resolution 22-010; Resolution of the Board Authorizing Communications Committee to Conduct Communications Consultant Solicitation

Board Member Wright moved to approve Resolution 22-10; Resolution of the Board Authorizing the Communications Committee to Conduct Communications Consultant Solicitation. Board Member DeSeelhorst seconded. Chair Dugan called for the vote. All Board Members voted yes. The motion passed unanimously.

2.6 Board Member Comments

Board Member Quinton said that if Board Member turnover happens due to the elections this fall, please submit a board appointment letter to Board Member Quinton. Board Member Bourke said that Board Member Thomas's presentation was very well done and very clear.

2.7 Closed Session (If Needed): The Board may convene in a closed session to discuss items as provided by Utah Code Ann. 52-4-205.

3. Adjournment

Board Member Quinn moved to adjourn the meeting at 2:56 p.m. Board Member Wright seconded. Chair Dugan called for the vote. All Board Members voted yes. The motion passed unanimously.

APPROVED: _____ Date
Dan Dugan, Chair

ATTEST:

Emily Quinton, Secretary

Agenda Item 2.3 Communications Committee Update

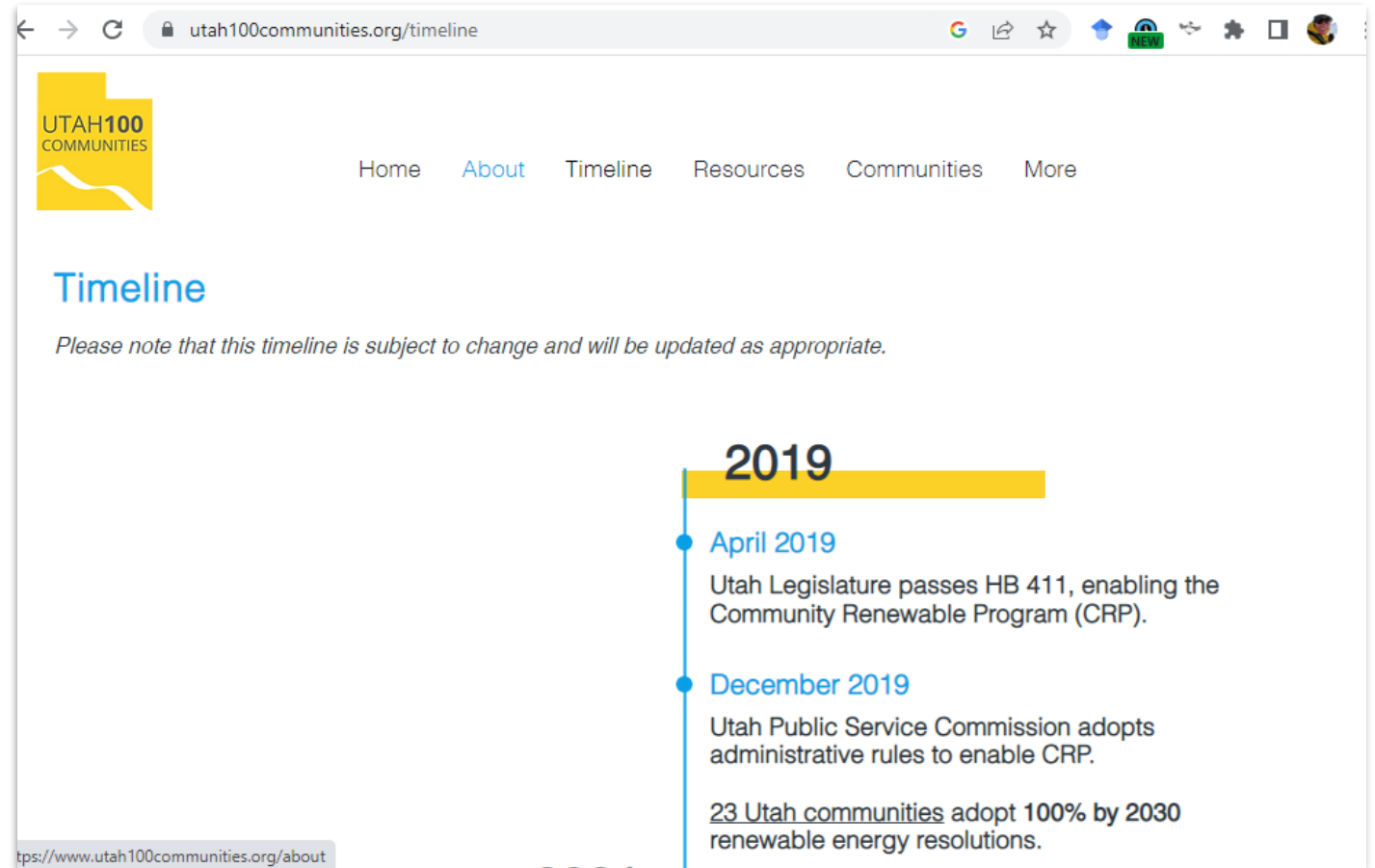
Community Renewable Energy Board Meeting
December 2022

*Committee Membership: Salt Lake City, Cottonwood
Heights, Alta, Holladay, Moab*



Committee Activities - November

- Meeting on November 9th
- Communications consultant RFP
- Collaborating with Program Design Committee to draft opt-out letter for inclusion in program application
- Met with Oregon Public Utilities Commission staff to discuss potential similar efforts in OR
- [utah100communities.org](https://www.utah100communities.org) updates
 - Updated timeline to reflect changes in anticipated date of program application

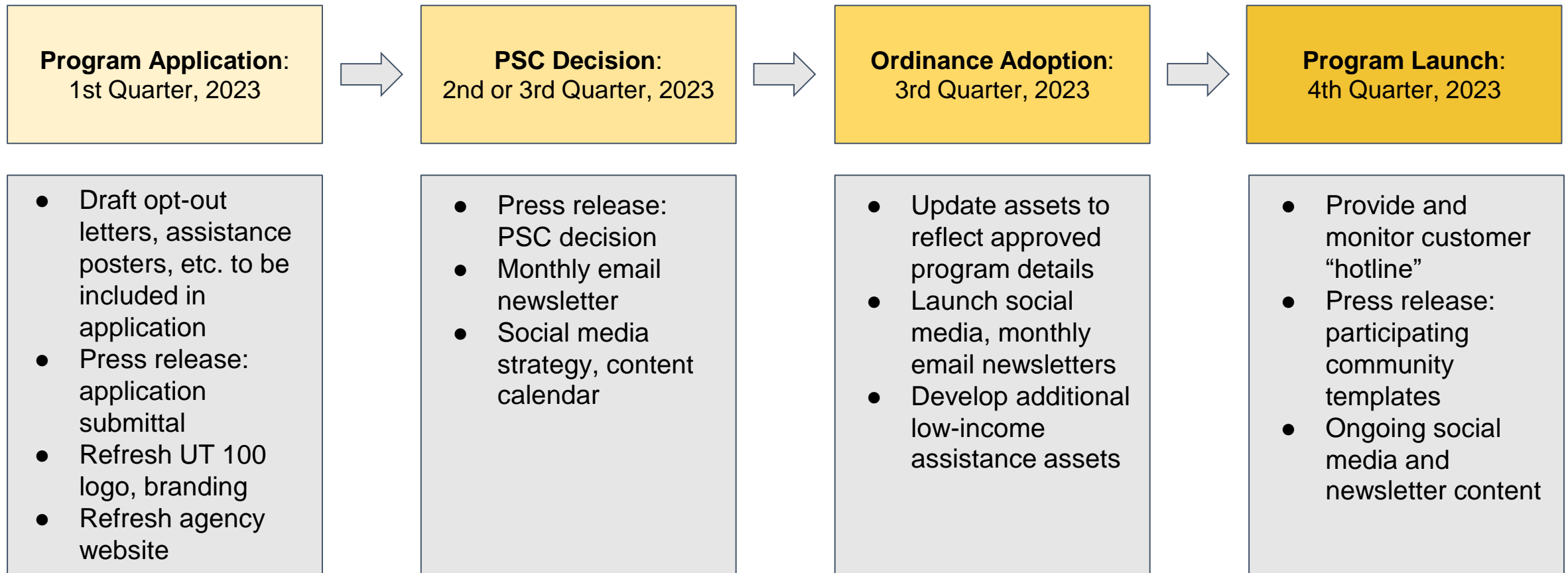


Communications Consultant

- UT 100 Communities Board passed [Resolution 22-10](#) at November 2022 meeting, authorizing Communications Committee to solicit consultant proposals
- RFP posted 11/17 on [Millcreek City](#), [Utah Public Notice](#), and [Utah Public Procurement Place](#) website
- Millcreek City is acting as the procurement contact
- RFP will close on Friday, December 9th
- Committee will meet on Thursday 12/15 to review proposals
- Planning to make recommendation to the Board at January 8th, 2023 Board meeting

Communications Consultant – Scope of Work

Tasks scheduled according to projected program milestones timeline:



Next Steps

- *December meetings: Tuesday 12/6 @9 AM, Thursday 12/15 @4 PM*
- *Develop and distribute email newsletter in December*
- *Review consultant responses to communications RFP in December*
- *Prepare for Board recommendation at January 8th 2023 Board meeting*

Agenda Item 2.3 Program Design Committee Update

Community Renewable Energy Board Meeting
December 2022



Program Design Committee Membership

- Summit County
- Holladay
- Millcreek
- Ogden
- Park City
- Salt Lake City
- Springdale

[Resolution 21-05](#)

[Resolution 21-06](#)

Key Activities

- Committee met twice in November
- Held second update meeting with the Utah Division of Public Utilities (DPU) and Office of Consumer Services (OCS) on **Nov 8**
- Small coordination group held first meeting on **Nov 8**
 - For Program Design Committee – Phillip Russell and Kevin Higgins
 - For Rocky Mountain Power – Craig Eller and Joe Dallas

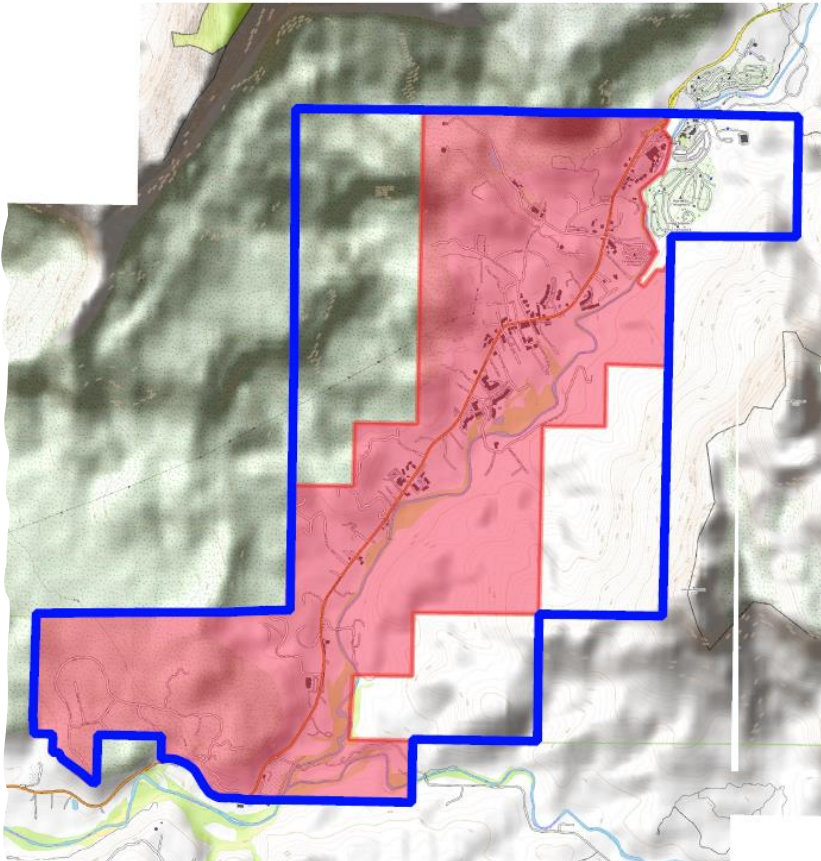
Program Application – Required Items

	Agency Working Committee	Rocky Mountain Power	Board Vote
Name and boundary map for each eligible community	Drafted	Reviewing draft	
Proposed ordinance language	Drafted	Reviewing draft	
Customer count by schedule, monthly load by class, 10-year load forecast by class	Gathering data		
Projected program rates for each customer class	Conceptual Discussions		
Process for periodic rate adjustment filings	Conceptual Discussions		
Proposed tariff changes		Not started	
Utility Agreement	Drafted	Reviewing draft	
Governance Agreement	Complete		
Plans for low-income assistance	Recommendations	Reviewing draft	Dec 2022
Proposed resource solicitation process	Conceptual Discussions		
Proposed form of opt-out notices	Not Started		
Projected implementation date	Conceptual Discussions		
Other informational materials	Not Started		
Explanation how other customers and utility not subject to costs	Conceptual Discussions		

Timeline Update

- Rocky Mountain Power says it is targeting **March 2023** for filing the Program Application with the Utah Public Service Commission (on behalf of the Utah 100 Communities)
- Previously, the communities had hoped to have the Program Application filed by this month (December 2022)
- Barring any major Board member concerns, the [timeline on the website](#) will soon be updated to reflect this new date

Community maps: Legal Boundary vs. Jurisdictional Area



- A community's **legal boundary** may contain areas (for example Federally-owned land) over which the community does not have **jurisdictional authority**
- Thank you to Springdale and Castle Valley for alerting us to this issue
- Monica from Salt Lake City is working with available data sources to develop maps that show each community's **legal boundary** (line) and **jurisdictional area** (shaded)
- We've discovered that some community plat maps don't match the GIS maps maintained by the state
- In these cases, we are urging communities to submit their maps to the state GIS group so the state GIS map data can also be updated

Draft Model Ordinance Language

- Thank you for reviewing the first version of the model ordinance
- Comments and questions were received from a few communities
- Several revisions were suggested and have been incorporated into a new version that was included in the Board packet
- Phil Russell, outside counsel, will walk through the changes and discuss some of the questions he received later in the agenda
- Please expect a Board vote to approve the draft model ordinance language at the January board meeting on **Jan 9**

Federal Funding Opportunity

- The Inflation Reduction Act (IRA) passed by the US Congress represents a historic investment in clean energy
- One funding opportunity is called the Climate Pollution Reduction Grants ([Section 60114](#)) administered by the EPA
 - Planning grants - \$250 million available
 - Implementation grants - \$4.75 billion is available
- The Utah 100 Communities could request funding to support a financial backstop for program resources
- Comments in response to a Request for Information notice are due **Jan 18**
- Look for draft comments at the **Jan 9 Board meeting**

Next Steps

- More frequent communication among the small coordination group
 - Program resource valuation
 - Financial backstop
 - Resource solicitation
- Plan for a third update meeting with state agencies (DPU and OCS) in January or February
- Plan for a vote to approve the draft model ordinance language at the **Jan 9 Board meeting**
- Plan for a vote to approve draft comments related to Climate Pollution Grants at the **Jan 9 Board meeting**
- Expect a series of other program-design related votes at the February and March Board meetings

Agenda Item 2.3 Low-Income Plan Committee Update

Community Renewable Energy Board Meeting
December 2022



Low-Income Plan Committee Membership

- Castle Valley
- Cottonwood Heights
- Kearns
- Ogden
- Park City
- Salt Lake City
- Summit County

[Resolution 21-12](#)

Low-Income Plan Requirement

- The Community Renewable Energy Act
 - “[The Program Application shall include]... **a proposed plan established by the participating community addressing low-income programs and assistance...**”
- Public Service Commission Rules
 - “[The Program Application shall include]... **a description of the plan proposed by each eligible community addressing low-income programs and assistance...**”

Low-Income Plan Template Reminder

- Low-Income Plan Templates were sent to each community in October, via Google Drive link.
- Communities have been asked to work on their respective Low-Income Plan and finalize a draft by the end of December 2022. This could be extended to March 2023 to align with when we now expect the Program Application to be submitted by Rocky Mountain Power.
- To finish your community's Low-Income Plan:
 - Section 1 Programmatic Strategies: will be updated for you by the Low-Income Plan Committee based on the outcome of the Board vote on each strategy. No other work on this section is needed.
 - Section 2 Outreach Strategies: this section was prepopulated with outreach strategies and organizations serving target populations in your community. Leave as is or edit, expand, or remove organizations and outreach strategies from the list.
 - Section 3 Elective Strategies: the strategies included in this section is completely up to each community. Keep, remove, or expand on the examples provided, or remove the examples provided if your community does not plan to pursue them.

Programmatic Strategies – Today's Votes

- Board members are asked to consider four programmatic strategies identified by the Low-Income Committee:
 - Three strategies unanimously recommended by the committee:
 - Enhanced monthly bill credit (Resolution 22-11)
 - Revised to specify that the bill credit may not exceed \$7 per month
 - Revised to specify that the surcharge paid by participating customers to fund the bill credit may not exceed \$0.70 (70 cents) per month
 - Termination fee waiver (Resolution 22-12)
 - Request to facilitate elective donations (Resolution 22-13)
 - Due to Rocky Mountain Power concerns, would not be included in community low-income plans
 - Requests that RMP explore creating an elective donation to support the enhanced monthly bill credit
 - One strategy that did not receive unanimous committee support but still up for consideration:
 - Automatic opt-out (Resolution 22-14)
 - Households receiving monthly bill assistance or behind on bills (60 days or more) would not be enrolled and would need to affirmatively opt themselves into the program
- If adopted, each Resolution is framed to accomplish the following:
 - The programmatic strategy will be listed on each community's plan for low-income assistance (except the elective donations)
 - The Program Design Committee is directed to endeavor to incorporate the programmatic strategy into all necessary program design matters, documents, and agreements

QUESTIONS?

*Meet with the Low-Income Plan
Committee to discuss!*

Email Samantha DeSeelhorst to set up a 1:1 meeting with
the Committee.

sdeseelhorst@ch.Utah.gov

[COMMUNITY]
ORDINANCE NO. _____

AN ORDINANCE OF [COMMUNITY] ENACTING TITLE ___, CHAPTER ___ TO THE
[COMMUNITY] CODE, COMMUNITY RENEWABLE ENERGY PROGRAM

Preamble

WHEREAS, in 2019, the Utah State Legislature enacted H.B. 411 that was codified at Utah Code Ann. §§ 54-17-901 to -909, and is known as the “Community Renewable Energy Act” (“Act”); and

WHEREAS, the Act authorizes the Utah Public Service Commission (“Commission”) to establish a community renewable energy program (“Program”) whereby towns, municipalities, and counties may cooperate with qualified utilities to provide electric energy for participating customers from renewable energy resources, in an amount that equals their annual consumption; and

WHEREAS, the Act provides that a customer of a qualified utility may be served by the Program if the town, municipality, or county (“Community”) in which the customer resides satisfies certain requirements, including:

(a) the Community must adopt a resolution no later than December 31, 2019, that states a goal of achieving an amount equivalent to 100% of the annual electric energy supply for participating customers from a renewable energy resource by 2030; and

(b) the Community must enter into an agreement with a qualified utility (“Utility Agreement”):

(i) stipulating to the payment to the qualified utility of the costs of:

(A) third-party expertise contracted for by the Division of Public Utilities and the Office of Consumer Services, for assistance with activities associated with initial approval of the Program; and

(B) providing notice to the Community’s customers as provided in the Act;

(ii) determining the obligation for the payment of any termination charges under the Act that are not paid by a participating customer and not included in participating customer rates; and

(iii) identifying any initially proposed replaced asset;

(c) the Community must, within ninety (90) days after the date of the Commission’s order approving the Program, adopt a local ordinance that:

- (i) establishes participation in the Program; and
 - (ii) is consistent with the terms of the Utility Agreement; and
- (d) the Community must comply with any other terms or conditions required by the Commission; and

WHEREAS, the Act further authorizes the Commission to adopt administrative rules to implement the Act and the Commission has adopted such rules as set forth in Utah Administrative Code R746-314-101 through -402 (“Rules”); and

WHEREAS, the Rules require that a customer of a qualified utility may be served by the Program if, in addition to the requirements of the Act, the Community in which the customer resides also adopts an agreement (“Governance Agreement”) with other eligible Communities to establish a cooperative decision-making process for Program design, resource solicitation, resource acquisition, and other Program issues and provides a means of ensuring that eligible Communities and those that become participating Communities will be able to reach a single joint decision on any necessary Program issues; and

WHEREAS, consistent with the requirements of the Act, on [DATE], [COMMUNITY] adopted Resolution No _____, which states a goal of achieving an amount equivalent to 100% of the annual electric energy supply for [NAME OF COMMUNITY’S] participating customers from a renewable energy resource by 2030; and

WHEREAS, consistent with the requirements of the Rule, [COMMUNITY] entered into a Governance Agreement with other eligible Communities, thereby becoming a member of the Community Renewable Energy Agency (“Agency”), which endeavored to make certain joint decisions about the proposed Program on behalf of Communities ; and

WHEREAS, consistent with the requirements of the Act, [COMMUNITY] entered into a Utility Agreement with Rocky Mountain Power, a qualified utility under the Act, effective as of [DATE], which addresses the issues required by the Act; and

WHEREAS, consistent with the requirements of the Act, on [DATE] Rocky Mountain Power filed an application with the Commission seeking approval of the Program and the Commission opened Docket No. [_____] to consider the application; and

WHEREAS, consistent with the requirements of the Act, on [DATE] the Commission issued an order in Docket No. [_____] (“Commission Order”) approving the Program; and

WHEREAS, as contemplated in the Act, the [COMMUNITY COUNCIL/COMMISSION] desires to adopt this ordinance that satisfies the requirement of the Act; and

WHEREAS, the [COMMUNITY COUNCIL/COMMISSION] desires to take actions which it has determined promotes the health, safety and welfare of the [COMMUNITY]’s residents; and

WHEREAS, [COMMUNITY COUNCIL/COMMISSION] has determined that adoption of this ordinance will enhance the economic well-being of the [COMMUNITY] and its residents through prudent management of the [COMMUNITY]'s financial resources; and

WHEREAS, [COMMUNITY COUNCIL/COMMISSION] has determined that adoption of this ordinance will help address concerns related to poor air quality and other environmental concerns due in part to the use of fossil fuels; and

WHEREAS, the [COMMUNITY COUNCIL/COMMISSION] finds that energy sources utilized by and within [COMMUNITY] therefore can impact public health, safety and welfare; and

WHEREAS, recent advances in energy technology have made renewable energy more economically viable than in the past and, in some cases, more cost-effective than traditional energy sources; and

WHEREAS, proximity to outdoor recreation is a key economic contributor to [COMMUNITY] and one which relies on preservation of the environment and protection of natural resources; and

WHEREAS, [COMMUNITY] and its residents have shown an interest in environmental stewardship through various initiatives and activities surrounding growth and development; and

WHEREAS, [include description of Participating Community's prior sustainability actions]; and

WHEREAS, [COMMUNITY COUNCIL/COMMISSION] believes that determining and undertaking further actions designed to reduce fossil fuel dependence while appropriately balancing financial stewardship and promoting economic growth is an important component of safeguarding public health, safety and welfare; and

WHEREAS, [COMMUNITY COUNCIL/COMMISSION] met in regular session on [____], 2022 to, among other things, consider adopting the Program on behalf of [COMMUNITY's] electric customers; and

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF [COMMUNITY] AS FOLLOWS:

Section 1. Adoption. [COMMUNITY] Code, Title __, Chapter __, Community Renewable Energy Program, which is published as a code in book form, is adopted in accordance with Exhibit A herein, copies of which have been filed for use and examination in the Office of the [COMMUNITY CLERK/RECORDER] (the "Community Renewable Energy Program Ordinance").

Section 2. **Savings Clause.** In the event one or more of the provisions of this Community Renewable Energy Program Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Community Renewable Energy Program Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

Section 3. **Effective Date.** This Community Renewable Energy Program Ordinance shall take effect upon publication by [COMMUNITY] in a newspaper of general circulation in [COMMUNITY], Utah.

APPROVED, ADOPTED, AND PASSED and ordered published by the [COMMUNITY COUNCIL/COMMISSION], this __ day of _____, 2022.

ATTEST:

[COMMUNITY COUNCIL/COMMISSION]

Name: _____
[COMMUNITY CLERK/RECORDER]

Name: _____
[COUNCIL/COMMISSION CHAIR]

APPROVED AS TO FORM:

VOTING OF [COUNCIL/COMMISSION]

Name: _____
[CITY/COUNTY ATTORNEY]

DRAFT

EXHIBIT A

TITLE ____

CHAPTER ____

COMMUNITY RENEWABLE ENERGY PROGRAM

SECTION 1. [COMMUNITY'S] PARTICIPATION IN COMMUNITY RENEWABLE ENERGY PROGRAM

1.1 [COMMUNITY] hereby establishes its participation in the Community Renewable Energy Program ("Program") as approved by the Public Service Commission of Utah ("Commission").

1.2 On [DATE], the Commission issued an order in Docket No. [_____] ("Commission Order") approving the Program. The Commission Order is on file with the Commission. The Program's rates, rules, and requirements are governed by the Commission Order, and may be modified from time to time by subsequent rules and orders adopted by the Commission. To the extent that the Commission Order or any subsequent rule or order adopted by the Commission contradicts any portion of this Title, the Commission order or rule or order adopted by the Commission shall govern.

1.3 **ELIGIBLE CUSTOMERS.** Pursuant to Utah Code § 54-17-905(5), residential customers participating in the net metering program under Utah Code Title 54, Chapter 15, Net Metering of Electricity, are not eligible to participate in the Program. All other retail electric customers of Rocky Mountain Power within the current and future boundaries of [COMMUNITY], including all residential, commercial, and industrial customers, are eligible to participate in the Program ("Eligible Customer").

1.4 **COMMENCEMENT DATE.** The Program shall commence effective [DATE] ("Program Commencement Date"). Eligible Customers shall be enrolled in the Program if they receive the Notices identified in Section 2, below, and decline to opt out of participation in the Program by the date set forth in the Notices. Consistent with the Act and the Commission Order, the Notices shall be sent to each Eligible Customer before the commencement date that applies to each such customer ("Customer Commencement Date"), as set forth below.

1.4.1 For each Eligible Customer that continuously remains an Eligible Customer within [COMMUNITY] for at least 60 days prior to and through the Program Commencement Date, the Customer Commencement Date shall be the same as the Program Commencement Date.

1.4.2 For electric customers that become Eligible Customers within [COMMUNITY] after the Program Commencement Date (e.g., when a customer becomes a retail electric customer of Rocky Mountain Power

within the boundaries of [COMMUNITY] after the Program Commencement Date), the Customer Commencement Date shall be [_____] days after the customer becomes an Eligible Customer within [COMMUNITY].

SECTION 2. CUSTOMER PARTICIPATION IN COMMUNITY RENEWABLE ENERGY PROGRAM.

2.1 Each Eligible Customer shall be automatically enrolled in the Program unless the customer opts out of the Program prior to the customer's Customer Commencement Date.

2.2 NOTICES. As set forth in the Act and the Commission Order, before any Eligible Customer becomes a participant in the Program, Rocky Mountain Power first shall deliver to each Eligible Customer notices (collectively, the "Notices") containing content and in the form, manner, and delivery method as required by the Act and Commission Order and other orders and rules adopted by the Commission.

2.3. OPT-OUT. Each Eligible Customer may elect not to participate in the Program and to continue to pay applicable existing electric rates by giving notice to Rocky Mountain Power in the manner and within the time period set forth in the Notices.

2.3.1 FIRST OPT-OUT NOTICE. Rocky Mountain Power shall provide a First Opt-Out Notice, separate from standard monthly bills, to each Eligible Customer within [COMMUNITY], no earlier than sixty (60) days and no later than thirty (30) days before the Customer Commencement Date applicable to each customer. The First Opt-Out Notice shall, in all material respects, use the form and content of the First Opt-Out Notice as approved by the Commission.

2.3.2 SECOND OPT-OUT NOTICE. Rocky Mountain Power shall provide a Second Opt-Out Notice, separate from standard monthly bills, to each Eligible Customer within [COMMUNITY], at least fifteen (15) days after the First Opt-Out Notice was provided and at least seven (7) days before the Customer Commencement Date applicable to such customer. The Second Opt-Out Notice shall, in all material respects, use the form and content of the Second Opt-Out Notice as approved by the Commission.

2.3.3 Each Eligible Customer that receives the First Opt-Out Notice and the Second Opt-Out Notice as described herein and declines to opt out of the Program by the customer's Customer Commencement Date will be enrolled in the Program.

2.4 CUSTOMER OPTION TO OPT IN TO PROGRAM. An Eligible Customer located within [COMMUNITY] that is not enrolled in the Program may at any time elect to participate in the Program by providing notice to Rocky Mountain Power in the form and content approved by the Commission. Following such notice to opt in to the Program, the customer will be enrolled in the Program starting with the billing period following the notice in which it is reasonably practicable for Rocky Mountain Power to enroll such customer. The reasonably

practicable billing period shall be based on when the notice was received from the customer and the customer's billing cycle. Following enrollment in the Program, the customer shall be subject to all Program requirements, including exit notices and termination fees.

2.5 **CUSTOMER OPTION TO EXIT PROGRAM.** Customers that do not opt out of the Program by the Customer Commencement Date, or who opt in to the Program, may subsequently exit the Program by taking the steps described in the Commission Order.

SECTION 3. TERMINATION FEES

3.1 If a customer declines to opt out of the Program prior to the applicable Customer Commencement Date, but subsequently exits the Program, the exiting customer may be required to pay a termination fee, as set forth in this Section.

3.2 When applicable, the amount of the termination fee shall be based on the rate schedule of the exiting customer, is set forth in the Commission Order, and may be modified from time to time by subsequent orders of the Commission.

3.3 **CIRCUMSTANCES IN WHICH TERMINATION FEE SHALL NOT APPLY:** A Termination Fee shall not apply in the following circumstances:

3.3.1 Any customer that ceases to be an electric customer of Rocky Mountain Power;

3.3.2 Any customer that moves to a new location that is not within the boundaries of a community that participates in the Program;

3.3.3 Any customer that seeks protection through bankruptcy proceedings;

3.3.4 _____.

SECTION 4. ACQUISITION OF RENEWABLE ENERGY RESOURCES

4.1 For purposes of this section, "renewable energy resource" shall have the definition set forth in Utah Code § 54-17-902(14).

4.2 Rocky Mountain Power may adopt or procure one or more renewable energy resources to serve the needs and goals of the Program. The acquisition of any such renewable energy resource must follow solicitation application and evaluation criteria approved by the Commission.

4.3 Any renewable energy resource adopted or procured by Rocky Mountain Power to serve the needs and goals of the Program must be approved by the Commission based on a finding the same is reasonable and in the public interest.

4.3 The Commission shall determine the method of cost recovery for any renewable energy resource acquired to meet Program needs and goals, and the Commission's determination regarding cost recovery may affect Program rates.

SECTION 5. PROGRAM RATES AND RATE ADJUSTMENT FILINGS

5.1 Program rates will be determined by the Commission.

5.2 The initial Program rates were determined by the Commission in the Commission Order.

5.3 Program rates may be adjusted by the Commission from time to time, consistent with the procedures set forth in the Commission Order for adjusting Program rates.

SECTION 6. UTILITY BILLING FOR PARTICIPATING CUSTOMERS

6.1 Rocky Mountain Power shall bill each Participating Customer on a monthly basis and shall:

6.1.1 include information in its monthly bills to participating customers identifying the Program cost; and

6.1.2 provide notice to participating customers of any change in rates for participation in the Program.

SECTION 7. [COMMUNITY] PARTICIPATION IN PROGRAM

7.1 Through its membership in the Community Renewable Energy Agency, [COMMUNITY] participated in the design and approval of the Program and shall participate in future decisions regarding renewable energy resource solicitation, renewable energy resource acquisition, and certain other Program issues.

7.2 Consistent with Utah Code § 54-17-903(2)(b), [COMMUNITY] entered into an agreement with Rocky Mountain Power ("RMP") regarding the facilitation of the Program ("Utility Agreement"). Pursuant to the Utility Agreement, [COMMUNITY]:

7.2.1 shall pay for the costs of third-party expertise contracted for in connection with the Program's development and initial approval by the Commission;

7.2.2 shall pay its proportional costs associated with RMP providing the Notices to the [COMMUNITY'S] customers as discussed in Section 2, above;

7.2.3 Termination charges not paid by a participating customer shall be included in participating customer rates and shall not be paid by [COMMUNITY];

7.2.4 There shall be no initially proposed “Replaced Asset” as that term is defined by Utah Code § 54-17-902(15).

7.3 [COMMUNITY] approved the appropriation of funds for the costs of third-party expertise contracted for in connection with the Program’s development and initial approval by the Commission pursuant to the Governance Agreement.

7.4 [COMMUNITY] hereby approves the appropriation of funds to pay its proportional costs associated with RMP providing the Notices to the [COMMUNITY’S] customers as discussed in Section 2, above.

7.5 [COMMUNITY] shall not be obligated to pay any costs of the Program other than those costs set forth herein and any costs that [COMMUNITY] may bear as a utility customer that participates in the Program, if applicable.

THE COMMUNITY RENEWABLE ENERGY BOARD
RESOLUTION NO. 22-11

A RESOLUTION OF THE BOARD APPROVING ENHANCED MONTHLY BILL CREDIT AS A PROGRAMMATIC APPROACH TO LOW-INCOME ASSISTANCE

WHEREAS, the Community Renewable Energy Board (“Board”) met in a regular meeting on December 5, 2022, to consider, among other things, a resolution of the Board approving an Enhanced Monthly Bill Credit as a programmatic approach to low-income assistance (all capitalized terms used herein and not otherwise defined are defined as set forth in the Agreement referenced below); and

WHEREAS, pursuant to the Interlocal Cooperation Act and adoption of an Interlocal Cooperative Agreement (“Agreement”) the Community Renewable Energy Agency (“Agency”) was formed; and

WHEREAS, pursuant to the Community Renewable Energy Act, codified at Utah Code §54-17-901 *et seq.* (the “Act”), an application filed with the Utah Public Service Commission to approve a community renewable energy program (“Program Application”) must include “a proposed plan established by the participating community addressing low-income programs and assistance”; and

WHEREAS, the Board created a Low-Income Plan Committee (“Committee”) via resolution 21-10 to, in part, “work on low-income planning with the Program Design Committee, community partners, state regulators, and others” and “formulate a list of recommended low-income plan elements”; and

WHEREAS, the Committee unanimously recommends the Board approve an Enhanced Monthly Bill Credit as a programmatic approach to low-income assistance; and

WHEREAS, the Board finds it necessary to uniformly assist low-income customers across all communities who participate in the community renewable energy program with an Enhanced Monthly Bill Credit as described below.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. A statement substantially like the following shall be included as a programmatic approach in each community’s plan for low-income assistance, as part of the Program Application:

***Enhanced Monthly Bill Credit.** For participating customers who are enrolled in Schedule 3 (“Low Income Lifeline Program – Residential Service”) an additional monthly bill credit will be applied in an amount equal to the estimated average residential customer rate impact, not to exceed \$7.00. This monthly bill credit will be funded through a monthly*

surcharge paid by participating customers who are not enrolled in Schedule 3, in an amount not to exceed \$0.70.

2. The Program Design Committee shall endeavor to incorporate the Enhanced Monthly Bill Credit programmatic approach to low-income assistance, as described herein, into all necessary program design matters, documents, and agreements pertaining to the Program Application and related agreements.

This Resolution assigned No. 22-11, shall take effect immediately.

PASSED AND APPROVED by the Board this 5th day of December 2022.

**COMMUNITY RENEWABLE ENERGY
BOARD**

Dan Dugan, Chair

ATTEST:

Emily Quinton, Secretary

THE COMMUNITY RENEWABLE ENERGY BOARD
RESOLUTION NO. 22-12

A RESOLUTION OF THE BOARD APPROVING TERMINATION FEE WAIVER AS A PROGRAMMATIC APPROACH TO LOW-INCOME ASSISTANCE

WHEREAS, the Community Renewable Energy Board (“Board”) met in a regular meeting on December 5, 2022, to consider, among other things, a resolution of the Board approving a Termination Fee Waiver as a programmatic approach to low-income assistance (all capitalized terms used herein and not otherwise defined are defined as set forth in the Agreement referenced below); and

WHEREAS, pursuant to the Interlocal Cooperation Act, codified at §11-13-101 *et seq.* and adoption of an Interlocal Cooperative Agreement (“Agreement”) the Community Renewable Energy Agency (“Agency”) was formed; and

WHEREAS, pursuant to the Community Renewable Energy Act, codified at Utah Code §54-17-901 *et seq.* (the “Act”), an application filed with the Utah Public Service Commission to approve a community renewable energy program (“Program Application”) must include “a proposed plan established by the participating community addressing low-income programs and assistance”; and

WHEREAS, the Board created a Low-Income Plan Committee (“Committee”) via resolution 21-10 to, in part, “work on low-income planning with the Program Design Committee, community partners, state regulators, and others” and “formulate a list of recommended low-income plan elements”; and

WHEREAS, the Committee unanimously recommends the Board approve the inclusion of a Termination Fee Waiver as described herein within the Program Application, as a programmatic approach to low-income assistance; and

WHEREAS, the Board finds it necessary to uniformly assist low-income customers across all communities who participate in the community renewable energy program with inclusion of the Termination Fee Waiver within the Program Application.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. A statement substantially like the following shall be included as a programmatic approach in each community’s plan for low-income assistance, as part of the Program Application:

***Termination Fee Waiver.** For participating customers who are enrolled in Schedule 3 (“Low Income Lifeline Program – Residential Service”) the termination fee for exiting the community renewable energy program, if any, will be waived.*

2. The Program Design Committee shall endeavor to incorporate the Termination Fee Waiver programmatic approach to low-income assistance, as described herein, into all necessary program design matters, documents, and agreements pertaining to the Program Application and related agreements.

This Resolution assigned No. 22-12, shall take effect immediately.

PASSED AND APPROVED by the Board this 5th day of December 2022.

**COMMUNITY RENEWABLE ENERGY
BOARD**

Dan Dugan, Chair

ATTEST:

Emily Quinton, Secretary

THE COMMUNITY RENEWABLE ENERGY BOARD
RESOLUTION NO. 22-13

**A RESOLUTION OF THE BOARD APPROVING A REQUEST TO FACILITATE
ELECTIVE DONATIONS AS A PROGRAMMATIC APPROACH TO LOW-INCOME
ASSISTANCE**

WHEREAS, the Community Renewable Energy Board (“Board”) met in a regular meeting on December 5, 2022, to consider, among other things, a resolution of the Board requesting that Rocky Mountain Power facilitate elective donations as a programmatic approach to low-income assistance (all capitalized terms used herein and not otherwise defined are defined as set forth in the Agreement referenced below); and

WHEREAS, pursuant to the Interlocal Cooperation Act, codified at §11-13-101 *et seq* and adoption of an Interlocal Cooperative Agreement (“Agreement”) the Community Renewable Energy Agency (“Agency”) was formed; and

WHEREAS, pursuant to the Community Renewable Energy Act, codified at Utah Code §54-17-901 *et seq.* (the “Act”), an application filed with the Utah Public Service Commission to approve a community renewable energy program (“Program Application”) must include “a proposed plan established by the participating community addressing low-income programs and assistance”; and

WHEREAS, the Board created a Low-Income Plan Committee (“Committee”) via resolution 21-10 to, in part, “work on low-income planning with the Program Design Committee, community partners, state regulators, and others” and “formulate a list of recommended low-income plan elements”; and

WHEREAS, the Committee unanimously desires Rocky Mountain Power’s support to facilitate an elective donation mechanism to allow participating customers to provide funding for programmatic approaches to low-income assistance via elective donations; and

WHEREAS, the Board likewise desires such support; and

WHEREAS, Rocky Mountain Power cannot currently support such a request but may do so at a future time.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board of the Community Renewable Energy Agency requests that Rocky Mountain Power explore a future option for participating customers to make elective donations to help fund the Enhanced Monthly Bill Credit programmatic approach to low-income

assistance. The Board requests that this option be made available through mailed paper bills in a similar form and frequency as other donation programs facilitated by Rocky Mountain Power, when possible. Furthermore, the Board requests that this elective donation option be made available to program participants through the rockymountainpower.net website, as feasible, and when secure online donation functionality is available.

2. The Low-Income Plan Committee and Program Design Committee shall endeavor to explore with Rocky Mountain Power an elective donation option, as described herein, and provide any necessary implementation support, when possible.

This Resolution assigned No. 22-13, shall take effect immediately.

PASSED AND APPROVED by the Board this 5th day of December 2022.

**COMMUNITY RENEWABLE ENERGY
BOARD**

Dan Dugan, Chair

ATTEST:

Emily Quinton, Secretary

THE COMMUNITY RENEWABLE ENERGY BOARD
RESOLUTION NO. 22-14

**A RESOLUTION OF THE BOARD APPROVING AN AUTOMATIC OPT-OUT AS A
PROGRAMMATIC APPROACH TO LOW-INCOME ASSISTANCE**

WHEREAS, the Community Renewable Energy Board (“Board”) met in a regular meeting on December 5, 2022, to consider, among other things, a resolution of the Board approving an Automatic Opt-Out as a programmatic approach to low-income assistance (all capitalized terms used herein and not otherwise defined are defined as set forth in the Agreement referenced below); and

WHEREAS, pursuant to the Interlocal Cooperation Act, codified at §11-13-101 *et seq.* and adoption of an Interlocal Cooperative Agreement (“Agreement”) the Community Renewable Energy Agency (“Agency”) was formed; and

WHEREAS, pursuant to the Community Renewable Energy Act, codified at Utah Code §54-17-901 *et seq.* (the “Act”), an application filed with the Utah Public Service Commission to approve a community renewable energy program (“Program Application”) must include “a proposed plan established by the participating community addressing low-income programs and assistance”; and

WHEREAS, the Board created a Low-Income Plan Committee (“Committee”) via resolution 21-10 to, in part, “work on low-income planning with the Program Design Committee, community partners, state regulators, and others” and “formulate a list of recommended low-income plan elements”; and

WHEREAS, the Committee recommends that the Board consider the inclusion of an Automatic Opt-Out as described herein within the Program Application, as a programmatic approach to low-income assistance; and

WHEREAS, the Board finds it necessary to uniformly assist low-income customers and customers struggling with bill payments across all communities who participate in the community renewable energy program by implementing an Automatic Opt-Out within the Program Application.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. A statement substantially like the following shall be included as a programmatic approach in each community’s plan for low-income assistance, as part of the Program Application:

Automatic Opt-Out. Residential customers who are either enrolled in Schedule 3 (“Low Income Lifeline Program – Residential Service”) or are 60 days in arrears anytime within the 60 days leading up to the Program Implementation date will not be enrolled in the

Program and will be provided two mailed opt-in notices following rules R746-314-301 and R746-314-302 but replacing the words “opt-out” with the words “opt-in.” Any customers automatically opted out will be able to opt-in at no extra charge and without delay.

2. The Program Design Committee shall endeavor to incorporate the Automatic Opt-Out programmatic approach to low-income assistance, as described herein, into all necessary program design matters, documents, and agreements pertaining to the Program Application and related agreements.

This Resolution assigned No. 22-14, shall take effect immediately.

PASSED AND APPROVED by the Board this 5th day of December 2022.

**COMMUNITY RENEWABLE ENERGY
BOARD**

Dan Dugan, Chair

ATTEST:

Emily Quinton, Secretary